

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): C.C. Aggarwal et al.

Docket No.: YOR920000429US1

Serial No.: 09/686,115

Filing Date: October 11, 2000

Group: 2129

Examiner: Wilbert L. Starks, Jr.

Title: Methods and Apparatus for Outlier Detection
for High Dimensional Data Sets

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the Examiner's Statement of Reasons for Allowance included in the Notice of Allowability dated April 7, 2008 in the above-identified application.

REMARKS

Applicants agree with the Examiner's statement that the present claims are "allowable since when reading the claims in light of the specification, as per MPEP §2111.01, none of the references of record alone or in combination disclose or suggest the combination of limitations specified" in the independent claims.

However, Applicants note that the Examiner characterizes the limitations of the independent claims "as defined" by the specification. Applicants respectfully note that, as stated at page 17, lines 9-11, of the specification, "[a]lthough illustrative embodiments of the present invention have been described herein with reference to the accompanying drawings, it is to be understood that the invention is not limited to those precise embodiments. . . ."

Accordingly, Applicants respectfully submit that it is inaccurate to describe the claim limitations as being defined by the specification's description of illustrative embodiments of the claimed invention. See, for example, *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004) ("[A] particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment."). See also *Liebel-Flarsheim Co. v. Medrad Inc.*, 358 F.3d 898, 906, 69 USPQ2d 1801, 1807 (Fed. Cir. 2004) (discussing recent cases wherein the court expressly rejected the contention that if a patent describes only a single embodiment, the claims of the patent must be construed as being limited to that embodiment). See generally MPEP §2111.01(II).

Applicants respectfully request that the above comments be made of record and placed into the application file pursuant to 37 C.F.R. §1.104(e).

Respectfully submitted,



Date: May 7, 2008

William E. Lewis
Attorney for Applicant(s)
Reg. No. 39,274
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2946